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Counsel for Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United
States, *et al.*,

Defendants.

No. 4:17-cv-5895

**EMERGENCY REQUEST FOR
TELEPHONIC SCHEDULING
CONFERENCE**

Defendants Donald J. Trump, President of the United States, *et al.* (“Defendants”) respectfully submit this emergency request for a telephonic scheduling conference concerning Plaintiffs’ Ex Parte Motion for a Temporary Restraining Order, *see* ECF No. 10, at the Court’s earliest convenience this Wednesday afternoon.

1 Plaintiffs commenced this action by filing a Complaint on Friday, October 13, 2017, the day after
 2 Defendants announced their conclusion that no Congressional appropriation is available for cost-sharing
 3 reduction payments under the Affordable Care Act. *See* ECF No. 1. Five days later, on October 18, 2017,
 4 Plaintiffs filed an ex parte motion for a temporary restraining order, seeking the entry of a judicial order
 5 by 4:00 p.m. on October 19, 2017, compelling Defendants to spend nearly six hundred million dollars of
 6 taxpayer funds that Defendants believe Congress has not appropriated. *See* ECF No. 10.

7
 8 Defendants have now appeared in this lawsuit and intend to oppose Plaintiffs' motion. To discuss
 9 the timing of Defendants' memorandum in opposition (as well as the timing of any hearing on Plaintiffs'
 10 motion and any other necessary procedural matters), Defendants respectfully request that the Court hold
 11 a telephonic status conference with the parties at its earliest convenience this Wednesday afternoon.

12 James M. Burnham, Senior Counsel for the United States Department of Justice, Civil Division,
 13 will be principal counsel for Defendants. Mr. Burnham can be reached by telephone at **(202) 353-2793**.
 14

15 October 18, 2017

Respectfully submitted,

17 CHAD A. READLER
 18 Acting Assistant Attorney General
 19 JAMES M. BURNHAM
 20 Senior Counsel
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21 CHRISTOPHER HALL
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22 /s/ Joseph C. Dugan
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[PROPOSED] ORDER

IT IS HEREBY ORDERED that Defendants' Emergency Request for Telephonic Scheduling Conference is GRANTED, and a conference is SET IN for October _____, 2017, at _____.

Dated: _____

UNITED STATES DISTRICT JUDGE